

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office SEP 20 1994

Returned to applicant for correction

Corrected application filed Map filed SEP 20 1994 under 60488

The applicant Kennecott Nevada Copper Company

P. O. Box 1107 of McGill  
Street and No. or P.O. Box No. City or TownNevada 89318 hereby make application for permission to change the  
State and Zip Code No.Place of Use  
Point of diversion, manner of use, and/or place of useof water heretofore appropriated under Permit No. 42105-Timber Creek (a Tributary of Duck  
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and  
Creek) Certificate No. 12176  
Identify right in Decree.1. The source of water is Timber Creek (a Tributary of Duck Creek)  
Name of stream, lake, underground spring or other source.2. The amount of water to be changed 4.00 c.f.s.  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.3. The water to be used for Industrial and Domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.4. The water heretofore permitted for Industrial and Domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.  
SW 1/4 NW 1/4 Section 26, T.18N., R.65E.,5. The water is to be diverted at the following point  
Describe as being within a 40-acre subdivision of public survey and by course and  
M.D.B.&M., or at a point from which the N 1/4 corner of Section 28, T.18N.,  
distance to a section corner. If on unsurveyed land, it should be stated.  
R.65E., M.D.B.&M., bears N. 79°43'29" W., a distance of 8,969.02 feet.6. The existing permitted point of diversion is located within SW 1/4 NW 1/4 Section 26, T.18N., R.65E.,  
If point of diversion is not changed, do not answer.  
M.D.B.&M., or at a point from which the N 1/4 corner of Section 28, T.18N., R.65E.,  
M.D.B.&M., bears N. 79°43'29" W., a distance of 8,969.02 feet.7. Proposed place of use See attached sheet.  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.8. Existing place of use located within the NE 1/4, SE 1/4, E 1/2 SW 1/4, E 1/2 NW 1/4 of Section 28,  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or  
and the SE 1/4 of Section 21, T.18N., R.64E., M.D.B.&M.  
manner of use of irrigation permit, describe acreage to be removed from irrigation.9. Use will be from January 1st to December 31st of each year.  
Month and Day Month and Day10. Use was permitted from January 1st to December 31st of each year.  
Month and Day Month and Day11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
specifications of your diversion or storage works.) Sprinkling System  
State manner in which water is to be diverted, i.e. diversion structure,

ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works Approximately \$150,000

13. Estimated time required to construct works 5 years

14. Estimated time required to complete the application of water to beneficial use.....5 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Water will be used for mine reclamation as required by federal and state law.

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By s/Richard E. Fonger  
Richard E. Fonger  
#3 Cedar P.O. Box 362  
Ruth, Nevada 89319

Compared.....pm/jk.....cl/cms

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Protested.....

APPROVAL  
.....OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of the waters of Timber Creek as heretofore granted under Permit 42105, Certificate 12176 is issued subject to the terms and conditions imposed in said Permit 42105, Certificate 12176 and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....4.0.....cubic feet per second, but not to exceed 943.62 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....N/A

Proof of completion of work shall be filed before.....N/A

Application of water to beneficial use shall be made on or before.....October 21, 2002

Proof of the application of water to beneficial use shall be filed on or before.....November 21, 2002

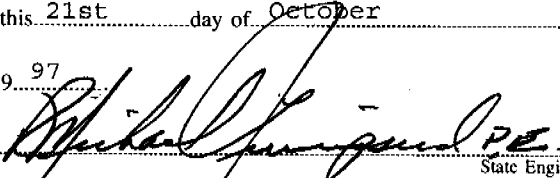
Map in support of proof of beneficial use shall be filed on or before.....N/A

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No.....Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.  
State Engineer of Nevada, have hereunto set my hand and the seal of my  
office, this 21st day of October  
A.D. 19 97  
  
State Engineer

Permit No. 42105-Timber Creek-(a Tributary of Duck Creek) Certificate No. 12176

7. Proposed place of use:

Section 7;  $S\frac{1}{2}$   $SW\frac{1}{4}$   
Section 17;  $S\frac{1}{2}$   $S\frac{1}{2}$ ,  $NW\frac{1}{4}$   $SW\frac{1}{4}$   
Section 18; All  
Section 19; All  
Section 20; All  
Section 21;  $S\frac{1}{2}$ ,  $S\frac{1}{2}$   $NW\frac{1}{4}$ ,  $NW\frac{1}{4}$   $NW\frac{1}{4}$   
Section 28; All  
Section 29; All  
Section 30;  $NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ,  $N\frac{1}{2}$   $SW\frac{1}{4}$ ,  $SE\frac{1}{4}$   $SW\frac{1}{4}$   
Section 31;  $N\frac{1}{2}$   $NE\frac{1}{4}$ ,  $SE\frac{1}{4}$   $NE\frac{1}{4}$   
Section 32;  $NW\frac{1}{4}$ ,  $W\frac{1}{2}$   $NE\frac{1}{4}$ ,  $N\frac{1}{2}$   $SW\frac{1}{4}$

All in Township 18 North, Range 64 East, Mount Diablo Base and Meridian.

Excepting there from all land inside the Townsite of McGill, Nevada.